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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SUNDESA, LLC , a Utah limited liability
company, and RUNWAY BLUE, LLC, a limited
liability company,

Plaintiffs,

v.

PERFECTSHAKERS.COM, a Canadian limited
liability company,

Defendant.

Case No. 2:11-cv-00165

DEFENDANT
PERFECTSHAKERS.COM'S
MOTION TO DISMISS
PLAINTIFFS' FIFTH CLAIM

Judge Clark Waddoups

Defendant Perfectshakers.com hereby moves the Court to dismiss Plaintiffs Sundesa, LLC and Runway Blue, LLC's Fifth Claim for Relief on one or more of the following grounds: (1) lack of personal jurisdiction; (2) the exercise of subject matter jurisdiction is inappropriate because the claim does not arise under U.S. law and is outside the

extraterritorial limits of the Lanham Act; and, (3) dismissal is called for by the doctrine of *forum non conveniens*.

This motion is supported by the accompanying Memorandum of Points and Authorities.

Dated this 23rd day of February, 2012.

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

/s/ James W. Anable
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Romaine C. Marshall (rcmarshall@hollandhart.com)

/s/ James W. Anable